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09/494,198	01/28/2000	James P. Mitchell	00CR064/KE	3140

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EXAMINER

TRINH, SONNY

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,198

Applicant(s)

MITCHELL, JAMES P.

Examiner

Sonny TRINH

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-2, 4-9, 11-14, 16-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Hiatt ("Hiatt"; Patent No. 6,477,152).

Consider **claims 1 and 8**. Hiett teaches the apparatus and method for data communications for a mobile platform (figures 3-5, 7, abstract), comprising a direct broadcast receiver located on the mobile platform (figure 3, receiver 106), and

a computer network (figure 3, router 308, LAN 304 and user interface 302) including at least one terminal on the mobile platform (columns 4-5, specifically lines 22-31 of column 5), the terminal providing Internet access through the direct broadcast receiver (column 1 lines 40-57).

Regarding **claims 2 and 9**. Hiett discloses that the Internet access is interactive access for providing commands (column 3 lines 4-15).

Regarding **claims 4 and 11**, Hiett further discloses that the mobile platform is a boat (column 2, specifically lines 55-58).

Regarding **claims 5 and 12**, Hiett further discloses that the mobile platform is an automobile (column 2, specifically lines 55-58).

Regarding **claims 6 and 13**. Hiett further discloses that the mobile platform is a train (column 2, specifically lines 55-58).

Regarding **claims 7 and 14**, Hiett further discloses that the mobile platform is an aircraft (column 2, specifically lines 55-58, figures 3-5).

Regarding **claims 16-17**, Hiett further discloses that the commands are forwarded to an Internet service provider and the Internet service provider responds to the commands via the direct broadcast receiver (column 1 lines 40-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3, 10 and 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiatt ("Hiatt"; Patent No. 6,477,152) in view of LaRocca et al. ("LaRocca "; Patent No. 6,314,572).

Regarding **claims 3 and 10**. Hiatt discloses the invention including the internet connection via a satellite transmission (figures 3-5) but does not explicitly disclose that the communication system includes a back channel transmitter. In an analogous art, LaRocca teaches a method and apparatus for providing subscription on demand services for an interactive information distribution system. LaRocca further discloses that the communication system includes a back channel transmitter (figure 2, block 208, column 6 line 57 to column 7 line 65).

Since the system of Hiatt is about an onboard entertainment system with user interactive control; and since LaRocca is also deals with an interactive information distribution system, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the interactive onboard entertainment system of Hiatt, the back channel transmitter, as taught by LaRocca in order for a user to interactively send control command(s) to the system to obtain the desired information such as which program (channel) to watch.

Regarding **claim 15**, since the system of Hiatt is about an onboard entertainment system with user interactive control using the internet connection from the mobile platform to a terrestrial receiver (figures 3-5 of Hiatt); and since LaRocca also deals with an interactive information distribution system including and the back channel transmitter (figure 2 of LaRocca) for the interactive commands. It would have been to obvious to use the interactive system of Hiatt to send commands to the internet via the terrestrial receiver utilizing the interactive system with back channel transmitter of LaRocca.

4. **Claims 18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiatt ("Hiatt"; Patent No. 6,477,152) in view of Schuchman et al. ("Schuhman"; Patent No. 5,459,469).

Regarding **claims 18 and 21**, Hiatt discloses a method of providing electronic browsing service in a mobile platform (column 1 lines 40-58, abstract), the mobile platform including at least one terminal (column 5 lines 22-31). However, Hiatt does not explicitly discloses the steps of receiving order wire data indicating a default homepage from an external source; and beginning the electronic browsing service at the default homepage.

In an analogous art, Schuchman discloses an air traffic surveillance and communication system for air traffic controllers. Schuchman further teaches the use of the orderwire circuit for coordination and control actions for maintenance services (column 8 line 43 to column 9 line 49, column 20 lines 43-67). The combination of Hiatt and Schuchman, however, does not disclose the setting of a default homepage.

However, the step of setting a homepage so that a user can begin to browse at such default homepage is well known and widely used and the Examiner takes Official notice of such use in a networked environment such as when accessing a local area network or the internet.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Hiett, the orderwire data, as taught by Schuchman in order to enable technical control and maintenance personnel for coordination and control actions relative to activation, change, rerouting, reporting, and maintenance of communication systems and services. The motivation for setting a default page every time a user logon to the system is to provide enough information / links for the user to navigate.

Regarding **claim 22**, it is obvious and well known for the default home page to include an address of the default home page.

Regarding **claims 19-20**, the combination of Hiett and Schuchman does not disclose that the external source is a docking area transmitter nor the default homepage is selected in response to a destination of the mobile platform. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the transmitter at the docking area and select the default homepage in response to a destination of the mobile platform. Since Applicant has disclosed that this particular arrangement solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any other arrangement.

5. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hielt ("Hielt"; Patent No. 6,477,152) in view of Ballard ("Ballard"; Patent No. 6,430,739) and in further view of Lundberg et al, ("Lundberg"; European patent application EP 0 890 907).

Regarding **claim 23**, Hielt discloses a communication system for a mobile platform (column 2 lines 37-58, abstract), comprising:

a receiver and a computer network coupled to the receiver (figures 3-5), and a terminal coupled to the computer network (column 5, specifically lines 22-31). However, Hielt does not disclose that the terminal beginning a browsing operation at a default homepage associated with the default homepage indication.

In an analogous art, Ballard discloses a software execution contingent on home page setting so that a user can start browsing the WEB beginning with the homepage setting (columns 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Hielt, the homepage setting, as taught by Ballard in order to control the normal operation and access to the program(s) each time a user is logged on to the network (see column 1 lines 38-55 of Ballard).

However, the combination of Hielt and Ballard does not disclose that the terminal beginning a browsing operation at a default homepage associated with the default homepage indication from an external source on the wireless receiver when the mobile platform is parked. In yet an another analogous art, Lundberg discloses a method for providing web access to users in a vehicle such as an aircraft (abstract, figures 1-2).

Lundberg further discloses that when the aircraft is stationary (parked), the web connection is routed through the ground base server and not through the direct satellite link to save expensive connection (abstract, see also columns 1-3). Even though Lundberg teaches that the connection to the ground base server is a wired link, it would still be obvious and well within the level of a person of ordinary skill in the art to provide a wireless link to the aircraft from the ground base server. The motivation for providing a wireless link is to save time and labor from having to send a ground crew member to physically connect the cable when the aircraft landed.

6. **Claims 24-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiatt ("Hiatt"; Patent No. 6,477,152) in view of Ballard ("Ballard"; Patent No. 6,430,739).

Regarding **claims 24 and 28**, Hiatt discloses a method of providing electronic browsing service in a mobile platform (column 1 lines 40-58, abstract), the mobile platform including at least one terminal (column 5 lines 22-31). However, Hiatt does not disclose the steps of receiving order wire information from an external source identifying advertising spots; storing the advertising spots on the mobile platform for subsequent display; and displaying the advertising spots during the electronic browsing service.

In an analogous art, Ballard discloses a software execution contingent on home page setting so that a user can start browsing the WEB beginning with the homepage setting (columns 1-2), furthermore, Ballard discloses the advertisement in the homepage (see figure 4, see description starting from line 65 of column 5) and storing the advertising spots for subsequent display (claim 1).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Hiett, the homepage setting, as taught by Ballard in order to control the normal operation and access to the program(s) each time a user is logged on to the network (see column 1 lines 38-55 of Ballard).

However, the combination of Hiett and Ballard does not explicitly disclose the steps of receiving order wire data indicating a default homepage. However, the use of an orderwire circuit is well known and it would have been obvious for a person skilled in the art at the time the invention was made to use the orderwire circuit to enable technical control and maintenance personnel to coordination and control actions relative to activation, change, rerouting, reporting, and maintenance of communication systems and services. The motivation for setting a default page every time a user logon to the system is to provide enough information / links for the user to navigate.

Regarding **claims 25-26**, Ballard further discloses the advertising spots (see figure 4, see description starting from line 65 of column 5).

Regarding **claim 27**, the combination of Hiett and Ballard discloses the invention but does not explicitly disclose that the advertising spots are related to a destination of the mobile platform. However, the information related to the destination of a mobile platform such as weather condition and tourist information are well known and would have been obvious for a person of ordinary skill in the art to include the information relating to the destination of the mobile platform so that passengers can be informed of

the conditions (weather, tourist attractions...) in order for the passengers to make plan when the mobile platform arrives to its destination.

Conclusion

Any response to this action should be mailed to:

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or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th. Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.

Sonny Trinh

PATENT EXAMINER
9/21/03

SONNY TRINH .57.
PATENT EXAMINER